

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC BELLS, LLC, et al.,

Plaintiffs,

v.

JAY INSLEE, Governor of the State of  
Washington, et al.,

Defendants.

C21-1515 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' motion, docket no. 52, for entry of judgment, is DENIED. Absent subject matter jurisdiction, the Court cannot enter judgment in favor of either side. *See Diaz v. First Am. Home Buyers Prot. Corp.*, No. 09-CV-775, 2012 WL 12953686, at \*2 (S.D. Cal. Feb. 16, 2012); *Smith v. United States*, No. 98-139, 1999 WL 33318819, at \*1 (D. Ariz. Mar. 11, 1999) (a court "cannot enter judgment but rather [can] only dismiss the complaint if it lacks subject matter jurisdiction"), *aff'd*, No. 99-16068, 1999 WL 793695 (9th Cir. 1999); *see also Black v. Payne*, 591 F.2d 83, 86 n.1 (9th Cir. 1979) (holding that a judgment entered "for the Defendants and against the Plaintiff" was pursuant to Rule 12(b)(6) because, "[h]ad the district court meant only to dismiss for lack of subject matter jurisdiction, such a judgment on the merits would be inappropriate."). Defendants' reliance on *Allah v. Superior Court of California*, 871 F.2d 887 (9th Cir. 1989), is misplaced because the reasoning set forth in that opinion was superseded by the 2002 amendments to Federal Rule of Civil Procedure 58. *See Harmston v. City & Cnty. of San Francisco*, 627 F.3d 1273, 1279-80 (9th Cir. 2010).

Ravi Subramanian  
Clerk

s/Gail Glass  
Deputy Clerk